IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3086 of 2007

Shamrao Kundlik Kshirsagar. ..... Applicant.

Vs.

The State of Maharashtra ....Respondent.

Mr B. R. Patil, Advocate for the Applicant.

Mr K. V. Saste, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 19TH SEPT, 2007.

P.C.:-

1. Heard learned Advocate for the applicant- accused and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The applicant-accused is seeking anticipatory bail in Crime No. 131 of 2007 registered with Islampur Police Station for the offence punishable under Section 306 of the I.P.C. and under Sections 32 and 33 of the Bombay Money Lenders Act, 1946.

4. Learned counsel for the applicant submits that merely on the basis of a note left by the deceased, the applicant cannot be denied bail. No custodial interrogation is

necessary. The learned APP though tried to oppose this application, but could not take his submission to the logical end.

5. Having seen the material on record, the applicant is charged for the offence under Section 306 of the I.P.C. I do not find any prima facie incriminating material against the applicant on record so as to deny bail.

6. In the absence of any positive evidence available on record, I find no necessity of the custodial interrogation.

7. In the above backdrop, prima facie, I am inclined to grant anticipatory bail to the applicant.

8. In the result, the applicant in the event of arrest in C.R. No.131 of 2007 registered with Islampur Police Station, District Sangli for the offence punishable under Section 306 of the I.P.C.and under Sections 32 and 33 of the Bombay Money Lenders Act, be released on bail on his furnishing personal bond in the sum of Rs.25,000/- with one or two sureties in the like amount on following terms and conditions:

a] that the said applicant should report to Islampur Police Station,once in a week i.e. on every Monday between 3.00 to 5.00 p.m.till filing of the charge sheet.

b] the said applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

c] the said applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

9. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the said applicant to apply for regular bail before the regular Court.

10. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

11. The application is allowed in the above terms.

(V.C.DAGA,J.)